

REMARKS

Status of the Claims

- Claims 1-16 are pending in the Application after entry of this amendment.
- Claims 1-16 are rejected by the Examiner.
- Claims 1, 10-16 are amended.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 10-16 stand rejected pursuant to 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claim 10 is amended to recite a system which now includes the tangible element of a computer. Thus, the claim is directed to a machine which is statutory subject matter under U.S.C. §101. Support for this amendment can be found in paragraph 0022 of the as-filed specification.

Claims 11-16 are amended to specify a tangible computer-readable storage medium which is an article of manufacture under 35 U.S.C. §101. Support for this amendment can be found in paragraph 0023 which defines computer-readable storage media as a tangible item.

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §101 rejection of Claims 10-16 as these claims now recite tangible and statutory subject matter.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1-4, and 6-15 stand rejected pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,873,080 to Coden et al. (Coden) in view of U.S. Patent No. 6,795,832 to McGeorge, Jr. et al. (McGeorge). Applicant respectfully traverses the rejection.

Coden teaches a system that can input sub queries, each of which could be used for different media types to search a collection of multimedia documents in a database and produce a single combined result. (See Coden, Abstract, and col. 3, lines 33-36.)

Coden describes the process of collecting sub-queries and combining them into a single query having more than one media type. This is performed by the EUIS 120 of Figure 1. The EUIS 120 then parses (separates out) the various query types to be executed separately by a search engine that is used for that particular separated query type. Thus, the EUIS 120

first combines, then separates out queries and hands the separated queries out to a query interface which distributes the separate queries in a parallel fashion to type-specific search engines. Coden states in col. 3, lines 40-51:

“The invention has a combined query section which allows a user to input a single query with more than one media type. The combined query has a query data structure which is submitted to a query interface. The query interface stores the different parts of the query and then *parses the query to separate the query according to type*. A query object is built for each query type. The query interface translates each of the query objects by query type into queries which are understood by the application programming interface that is designed for a particular search engine. *The query interface then distributes the queries to the appropriate search engines.*”(Coden, col. 3, lines 40-51)

Coden indicates that the EUIS 120 does the initial separation of the combined query into separate queries, each intended for a different search engine according to query type in col. 5, lines 51-57:

“It is the role of the Enhanced User Interface Support program (EUIS) (120) to accumulate the various user inputs until enough data is specified to formulate a valid query. This implies that the EUIS stores the state of the user input. *The EUIS (120) also parses the query into query objects each having a single media type and each being suitable for a particular search engine (162, 164, 166).*” (Coden, line 51-57).

It is notable that the example of Figure 1 indicates that Text Query type 112-113 is separated out by the EUIS 120 to be received only by Text Search API 152 and Text Search Engine 162. Parametric Query type 114-115 is separated out by the EUIS 120 to be received only by Parametric Search API 154 and Parametric Search Engine 164. Image Query type 116-117 is separated out by the EUIS 120 to be received only by Image Search API 156 and Image search engine 166. Note that none of the search engines are dependent on each other.

Since each of these query type is received only by the respective search engine, these search engines are in a parallel orientation. This is evident because, in Coden, the entire query including all query types is not sent through each search engine. Thus, the search engines work separately in parallel; each engine working on only the search type presented to it. The

search engines of Coden are not serially connected in a cascade. Coden separates out the individual queries before dropping each of the separated query pieces to the respective search engine.

Referring to Figure 1 of Coden, it is notable that the separation of a combined query into separate query pieces is performed by the EUIS 120 prior to sending the individual query pieces to be stored by the Query Interface 130. The Query Interface 130 then sends each of the individual query pieces, separated according to type, to the respective search engines 162, 164, and 166. This query separation according to type and then delivery of each type to search engines tailored to that type is a principle of operation of Coden.

The present Office Action dated 2/20/08, page 5 suggests that McGeorge discloses the aspect that a first inserted placeholder replaces or is added to a portion of the query. The present Office Action attempts to include the placeholder aspect of McGeorge in order to modify the teachings of Coden to accommodate serially cascaded analysis and execution engines present in the pending claims. However, this forced modification in the analysis and execution of a query changes the principle of operation of Coden by the addition of McGeorge. Whereas Coden, by itself, teaches a method that separates out distinctive parts of the query according to type and then sends each individually separated and distinctive type portion of the query to a type-specific search engine, the pending claims instead process the query by a technique that “passes an entire portion to the first rewritten query to a second analysis engine of the serially cascaded analysis engines.” (See pending Claim 1). Thus, the principle of operation of Coden is different than the principle of operation of the pending claims.

The present Office Action proposes to change the principle of operation of Coden to be that of the pending claims by the addition of the teachings of McGeorge. This manner of combining references such that the principle of operation of the first reference (Coden) is changed by the addition of the second reference (McGeorge) is not permitted under MPEP §2143.01 Part VI.

MPEP §2143.01 Part VI states:

THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”¹

(MPEP §2143.01, Part VI)

Since the principle of operation in Coden (i.e. separation of the query into separate and distinct types for insertion into separate and distinct search engines) is changed by the teachings of McGeorge (adding in query placeholders), then the combination of Coden and McGeorge are not sufficient to render the claims *prima facie* obvious for purposes of 35 U.S.C. §103(a) under MPEP §2143.01 Part VI. Applicant understands that the Office Action reaches to change Coden from a separate, independent and parallel search engine based system configuration and operation to a serially interconnected and cascaded system configuration and operation by adding in the teachings of McGeorge, which allows the concept of using placeholders in a query. However, the reconstruction of the separate and parallel search engines of Coden into the serially cascaded execution engines of the pending claims impermissibly changes the separate-query-per-search-engine principle of Cohen.

Claims 1, 10, and 11 are also amended to include the aspect that the sequential execution is performed using serially cascaded execution engines that call to one another as a source for information. Support for this amendment is found in paragraphs 0043-0048 of the as-filed application along with Figure 3 which shows the interconnectedness of the analysis and execution engines. Neither Coden nor McGeorge disclose serially connected execution engines which call to one other to retrieve information.

Applicant respectfully submits that the combination of Coden and McGeorge fails to establish a *prima facie* case of obviousness for two reasons. As discussed above, the combination is not sufficient to render the claims *prima facie* obvious for purposes of 35 U.S.C. §103(a) under MPEP §2143.01 Part VI as discussed above because the addition of McGeorge to Coden impermissibly changes the principle of operation of Coden. Also, the combination of Coden and McGeorge fails to disclose the aspect that the serially cascaded execution engines call to one another as a source for information as recited in the amended claims. Since all of the elements of the amended independent claims are not taught by the

¹ MPEP, Eighth Edition, §2143.01, Part VI

combination of Coden and McGeorge, then the combination does not establish a prima facie case of obviousness under 35 U.S.C. §103(a) per MPEP §2143.03.

For the two reasons stated above, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of the pending Claims 1-4, and 6-15 because the claims patentably define over the cited art.

Claims 7-9, 13, and 15 stand rejected pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,873,080 to Coden et al. (Coden) in view of US Patent No. 6,697,799 to Neal et al. (Neal). Dependent Claims 7-9 are dependent on independent Claim 1. Claims 13 and 15 are dependent on independent Claim 11. As indicated above Coden fails to disclose all of the elements of the amended independent claims. Specifically, Coden fails to disclose the aspect that the serially cascaded execution engines call to one another as a source for information as recited in the amended claims. The disclosure of Neal fails to cure the deficiency in teaching all of the elements of the pending claims. Hence the combination of Coden and Neal fails to establish a prima facie case of obviousness of Claims 7-9, 13, and 15 per MPEP 2143.03. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of the pending Claims 7-9, 13, and 15 because the claims patentably define over the cited art.

Claims 5 and 16 stand rejected pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,873,080 to Coden et al. (Coden) in view of U.S. Patent No. 6,795,832 to McGeorge, Jr. et al. (McGeorge) and in further view of US Patent No. 6,697,799 to Neal et al. (Neal). Applicant respectfully traverses the rejection.

Claims 5 and 16 are dependent on amended independent Claims 1 and 11. As discussed above, the combined teaching of Coden and McGeorge fail to render obvious the pending independent claims. The addition of Neal fails to cure the deficiency in the combined teaching. Accordingly, Claims 5 and 16 cannot be rendered obvious under the combination of Coden, McGeorge and Neil per MPEP §2143.03 because the combination fails to teach all claim limitations and the combination of Coden and McGeorge is impermissible under MPEP §2143.01 Part VI.

DOCKET NO.: MSFT-1743/303844.01
Application No.: 10/601,730
Office Action Dated: February 20, 2008

PATENT

Conclusion

Applicant respectfully submits that all pending claims patentably define over the cited art. Applicant respectfully requests reconsideration and withdrawal of the rejections. A Notice of Allowance for all pending claims is requested.

Respectfully submitted,

Date: June 9, 2008

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